

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SECURITIES AND EXCHANGE COMMISSION,
Plaintiff,
-against-
COLLECTOR'S COFFEE (d/b/a Collectors Café) and
MYKALAI KONTILAI,
Defendants

19-cv-04355 (LGS) (GWG)

**MOTION TO BE RELIEVED AS
COUNSEL TO
VERONICA KONTILAI**

PLEASE TAKE NOTICE, that upon the attached declaration of David S. Hammer (“Hammer”), attorney for relief defendant Veronica Kontilai, Hammer will move this Court on December 5, 2019 at 9:30 a.m., or as soon thereafter as the Court will direct, for an order (1) relieving Hammer from acting as counsel for relief defendant Veronica Kontilai; and (2) staying all proceedings in this action for a period of forty-five (45) days to enable relief defendant Kontilai to obtain new counsel.

Dated: New York, New York
December 5, 2019

David S. Hammer

David S. Hammer
Attorney for Veronica Kontilai

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**DECLARATION OF DAVID
HAMMER IN SUPPORT OF
MOTION TO BE RELIEVED
AS COUNSEL TO
VERONICA KONTILAI**

DAVID S. HAMMER, under penalty of perjury, declares:

1. I am an attorney, admitted to the bar of this Court. In the present action, I serve as counsel to relief defendant, Veronica Kontilai.

2. Ms. Kontilai has notified me that she has terminated my representation of her in this matter due to serious professional differences on the conduct of her defense in this action that cannot be resolved. For that reason, I am respectfully requesting the Court to grant an order relieving me as counsel for Ms. Kontilai.

3. I am also requesting the Court to grant an order for a stay of all proceedings for a period of forty-five (45) days to enable the defendant to obtain new counsel. That period is necessary in order to enable Ms. Kontilai to find new counsel and obtain the necessary approval of the insurance carrier that is providing coverage for the defense. The temporary restraining order previously granted by the Court will not be affected by a stay because, by previous agreement of the parties, it remains in effect pending hearing on the plaintiff's motion for a preliminary injunction. The Court previously referred determination of that motion to Magistrate Judge Gabriel W. Gorenstein on consent of the parties. Magistrate Judge Gorenstein will be informed of this motion.

4. I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York
December 5, 2019

David S. Hammer

David S. Hammer